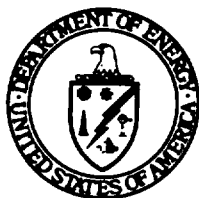


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Assistant to the Manager
for Off-Continent Operations

Department of Energy
Nevada Operations Office

1/25/88

MGR Nick
D/M Don
AMA Bob
Harry B. OER /PA

This most likely is the push which
will expedite a settlement with
the Bikinians, which in turn will
settle the big picture US obligation
and will determine DOE involvement,
lack of involvement, and funding.

B

cc Joe Dryden
cc John Rudolph

Bikini 88

HARRY BROWN'S Files, NV

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United States Senate AM '88

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510-8150

TO: HARRY BROWN
FROM: JON WEISGALL

January 26, 1988

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We are writing to express our concern regarding the cleanup and resettlement of Bikini Atoll. We are concerned that the Administration is allowing an opportunity to resolve these issues to slip by. Instead, the Administration is drifting toward a policy which will result in substantially increased costs to the U.S. government, and in continued litigation. We urge that the Administration move quickly to reconsider its policy in this matter.

All three branches of the U.S. Government have been involved in the development of the United States' commitment to restore Bikini Atoll to habitability. This commitment is described in three documents: in Section 103(1) of the Compact of Free Association, passed by Congress and signed by the President; in Article VI of the Compact Section 177 Agreement, negotiated by the Administration and approved by Congress; and in the March 15, 1985 lawsuit settlement between the people of Bikini and the U.S. Government, negotiated by the Administration and recognized by the U.S. District Court in Honolulu. The implementation of these provisions anticipated the leadership and cooperation of the Executive branch of the U.S. Government. For example, the 1985 settlement agreement states that the U.S. Government "pledges to the people of Bikini to use its best efforts to facilitate the steps necessary to achieve... (the rehabilitation and resettlement of Bikini Atoll)." Furthermore, this settlement agreement specifically anticipated the development of a plan for the rehabilitation of Bikini Atoll. The development of such plan clearly anticipated the cooperation of the Executive branch.

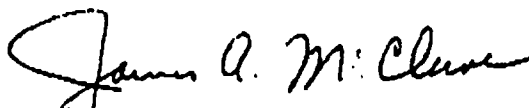
Despite these commitments, the Executive branch failed to request funding for the continued scientific studies of the Bikini Atoll Rehabilitation Committee (BARC). Moreover, despite repeated statements by BARC that the island of Eneu in Bikini was ready for resettlement, the Executive branch failed to request funds to facilitate resettlement. Most recently, and of greatest concern to us, the Executive branch has failed to carefully

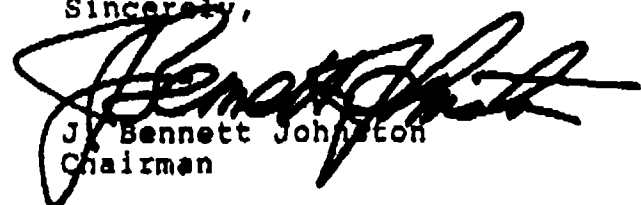
consider a proposal by the people of Bikini of a new approach for the final resolution of litigation and the fulfillment of U.S. commitments. The Bikinians have proposed to drop all pending litigation and to assume responsibility for the rehabilitation and resettlement of Bikini, in exchange for additional appropriations to the Bikini Resettlement Trust Fund. We believe that this approach has merit and deserves your careful consideration. This approach could save the U.S. government up to \$100 million in rehabilitation and resettlement costs, put a cap on U.S. liability, put the Bikinians in charge of their resettlement, resolve pending litigation, and prevent the reopening of the 1985 lawsuit settlement.

Our nation has a clearly stated commitment to assist the people of Bikini in returning to their homeland. The Department of Energy, the Department of the Interior, the Department of State, the Department of Justice and the Office of Management and Budget were all involved in the recognition of this commitment and all have a role in its fulfillment. Nevertheless, interagency bickering and buck-passing has resulted in a collapse of Executive branch leadership and the failure of U.S. government to meet this commitment. In view of our moral obligation to the Bikinians this situation is unconscionable. As a practical matter, its continuation invites further litigation which will undermine and possibly wreck U.S. efforts to terminate the United Nations Trusteeship Agreement and obtain international recognition of the sovereignty of the Republic of the Marshall Islands.

The fulfillment of the U.S. government's commitment to the people of Bikini is best achieved through the leadership of the Executive branch, in cooperation with Congress. We urge that you seize this opportunity and work closely with the Bikinians on developing a plan, as anticipated under the 1985 settlement, to meet our government's commitments and to resolve ongoing or potential litigation.

Your careful consideration of this request is appreciated.


James A. McClure
Ranking Minority Member

Sincerely,

J. Bennett Johnston
Chairman

JBj/as